

## **RESOLUTION NO. 916**

**A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK A MEASURE REFERRING TO THE ELECTORATE A PROPOSED ANNEXATION OF 4.85 ACRES DESCRIBED AS TAX LOT 2190 OF TAX MAP 3-1E-28DD LOCATED SOUTH OF NE TERRITORIAL ROAD, WEST OF N PINE STREET AND NORTH OF NE 16<sup>TH</sup> AVENUE; AUTHORIZING THE CITY RECORDER TO SEND AN EXPLANATORY STATEMENT FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTER BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 16, 2006 ELECTION.**

**WHEREAS**, the Canby City Council has heretofore approved an application filed by Thomas L. Holmes, the owner of tax lot 2190 of Tax Map 3-1E-28DD, to annex 4.85 acres into the City of Canby; and

**WHEREAS**, pursuant to the provisions of the Canby City Charter, the approval of the proposed annexation must be referred to the electorate of the City of Canby for an election; and

**WHEREAS**, ORS 250.035 requires a Notice of Measure be prepared by the City and submitted to the Clackamas County Elections Department by March 16, 2006 in order to appear on the ballot for the May 16, 2006 election; and

**WHEREAS**, pursuant to the Canby Municipal Code, the Canby City Attorney has prepared a Notice of City Measure Election and Summary for Voter's Pamphlet to be submitted to the Elections Department;

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Canby, as follows:

1. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the May 16, 2006 election, the Notice of City Measure. Such Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
2. The City Recorder of the City of Canby is further authorized and directed to submit a Summary of the Measure to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Such summary is attached to this Resolution in proper form and adopted by the City.

3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the ballot measure before the voters at the May 16, 2006 election.

This Resolution shall take effect on February 1, 2006.

ADOPTED this 1st day of February, 2006, by the Canby City Council.

  
Melody Thompson - Mayor

ATTEST:

  
Kimberly Scheafer  
City Recorder, Pro-Tem

**CITY OF CANBY  
NOTICE OF CITY MEASURE ELECTION  
FOR THE MAY 16, 2006 ELECTION**

NOTICE IS HEREBY GIVEN that on Tuesday, May 16, 2006, an election will be held in the City of Canby, Clackamas County, Oregon. The following shall be the ballot title for the measure submitted to the City's voters on this date:

**CAPTION:** MEASURE APPROVING ANNEXATION OF 4.85 ACRES INTO CITY OF CANBY.

**QUESTION:** SHALL 4.85 ACRES LOCATED SOUTH OF NE TERRITORIAL, WEST OF N. PINE, NORTH OF NE 16<sup>TH</sup> BE ANNEXED INTO CANBY?

**SUMMARY:** Annexation is the legal process to bring property into the City limits. Thomas L. Holmes has filed an application as owner of a 4.85 acre parcel, asking the City to bring it into the City limits. The legal description of the property is Tax Lot 2190 of Tax Map 3-1E-28DD. The parcel is located south of NE Territorial Road, west of N. Pine Street and north of NE 16<sup>th</sup> Avenue. This application has previously been approved by the City Council following a public hearing on January 4, 2006. The property is an undeveloped piece of heavily wooded land. No buildings exist on the site. It is currently zoned Rural Residential Farm and Forest (RRFF 5) by Clackamas County. The City's Zoning Map designates the property for Medium Density Residential (R-1.5) zoning upon annexation. Any future development requires City review and must comply with land use laws.

The following authorized local government official hereby certifies that the above ballot title is true and complete, which includes completion of the ballot title challenge process.

  
Kimberly Scheafer  
City Recorder Pro-Tem

  
Date

**EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET**

**MEASURE APPROVING ANNEXATION OF 4.85 ACRES  
INTO THE CITY OF CANBY**

Measure No. \_\_\_\_\_

Word Total 346 (500 max)

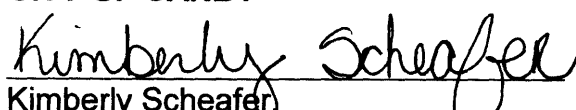
This measure would approve the annexation of 4.85 acres into the city limits of the City of Canby. The property which would be included within the City boundaries is known as Tax Lot 2190 of Tax Map 3-1E-28DD and is located generally in the northeast part of the City. Tax Lot 2190 is currently zoned Rural Residential Farm and Forest (RRFF-5) under County zoning. If annexation into the City is approved by the voters, the parcel would be rezoned to R-1.5, Medium Density Residential, as required under the City's Comprehensive Land Use Plan (Comp Plan) and Zoning Map.

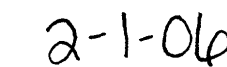
Tax Lot 2190 is owned by Thomas L. Holmes. Mr. Holmes has filed the application for annexation into the City of Canby. The City, following its Charter, has put this matter before the voters for approval.

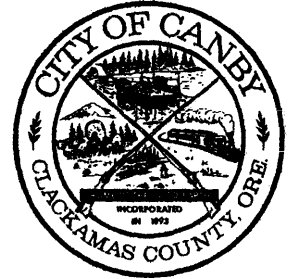
The parcel is located south of NE Territorial Road, west of N. Pine Street and north of NE 16<sup>th</sup> Avenue. The 4.85 acres is undeveloped and contains no buildings. It is heavily wooded. Adjacent properties to the east and west are within current city limits. Adjacent properties to the north and south are located outside the current city limits. Property to the north and west are zoned for Medium Density Residential. Properties to the east and south are zoned Low Density Residential. Under the R-1.5 zoning regulations, the applicant proposes to develop an 33-unit development. However, annexation alone does not set the future uses to be built on the property. Any further development would have to comply with state and local land use laws and would be subject to public review.

The Canby Comp Plan also designates properties for annexation as Priority "A", "B" or "C". Priority "A" properties shall generally be annexed prior to those areas shown as Priority "B" which, in turn, shall generally be annexed prior to those areas shown as Priority "C". The property is priority "A". The Canby Planning Commission unanimously voted to approve the application and the Canby City Council unanimously voted to approve the application and refer it to a vote of the Canby electorate.

**CITY OF CANBY**

  
Kimberly Scheafer  
Canby City Recorder - Pro tem

  
Date



**BEFORE THE CITY COUNCIL  
OF THE  
CITY OF CANBY**

**A REQUEST TO ANNEX 4.85  
ACRES OF LAND INTO THE  
CITY OF CANBY**

) **FINDINGS, CONCLUSIONS & ORDER**  
) **ANN 05-05**  
)

**NATURE OF APPLICATION**

The applicant is seeking to annex a single 4.85 acre parcel into the City of Canby. The applicant's conceptual site plan shows a possible 33 lots. When combined with land that the applicant owns inside the city limits (immediately to the west and adjacent to the parcel to be annexed) the conceptual plan shows an additional 12 lots bringing the total to 45 lots.

The applicant's conceptual plan shows access to the site via connecting NE 17<sup>th</sup> Ave. with N Pine St. and providing a connecting N Oak St north to NE Territorial Rd. A half street is also shown along the northern boundary of the subject parcel.

**HEARINGS**

The Planning Commission held a public hearing and considered this application at its meeting on November 28, 2005. A quorum of the Commission voted 4-0 recommending approval. The City Council held a second public hearing to consider the application at its January 4, 2006 meeting.

The Council voted 6-0 to forward the application on to Canby voters for a final decision at the ballot in the primary election on May 16, 2006.

### **CRITERIA AND STANDARDS**

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. If the City Council approves the application, that approval is forwarded to Canby voters as a ballot measure where a final decision is reached during a general election. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Council shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant

adverse effect on the economic, social and physical environment of the community, as a whole. The full text of the annexation criteria can be found in Section 16.84.040 of the Land Development and Planning Ordinance.

## **FINDINGS AND REASONS**

The City Council deliberated on all evidence and testimony presented at the January 4, 2006 meeting. The City Council incorporates the November 17, 2005 Staff Report and Council deliberations as support for its decision. The City Council accepted and adopted the findings in the November 17, 2005 Staff Report.

## **CONCLUSION**

The City Council concludes that, based on the findings and conclusions contained in the November 17, 2005 staff report and the January 4, 2006 public hearing and based on Council deliberations on January 4, 2006:

1. The land is designated Priority "A" for annexation.
2. The current supply of platted residential land in Canby is estimated as follows:

R-1 Low Density	188 Lots	1.90 years
R-1.5 Medium Density	0 Lots	0.00 years
R-2 High Density	137 Lots	2.66 years

The supply of land in each category is less than the 3 year supply considered sufficient to meet the need for residential land.
3. The subject property is a smaller tract of non-productive woodland, surrounded by other developed property. The established need for residential land and the parcel's designation as priority "A" for annexation take precedence over farm uses.
4. Access is adequate to the site and will be further improved by the improvements of the roadway, including off-site improvements volunteered by the applicant, in conjunction with development.
5. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services upon future development.
6. The annexation proposal is in compliance with other applicable City ordinances or

**Findings, Conclusions & Final Order**

**ANN 05-05**

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policies.

7. The annexation proposal complies with all applicable sections of Oregon Revised Statutes.
8. No natural hazards have been identified on the site.
9. The effect of urbanization of the subject property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
10. No adverse economic impacts are likely to result from the annexation of the subject property.

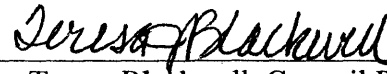
**ORDER**

**IT IS ORDERED BY THE CANBY CITY COUNCIL** that annexation **ANN 05-05** is **APPROVED** and will be forwarded to Clackamas County Elections Department to appear on the May 16, 2006 primary election ballot.



**I CERTIFY THAT THIS ORDER** approving **ANN 05-05** was presented to and **APPROVED** by the Canby City Council.

DATED this 18th day of January, 2006.



Teresa Blackwell, Council President  
City of Canby



Kevin C. Cook  
Associate Planner

**ATTEST:**

**ORAL DECISION – January 4, 2006**

AYES: Carson, Oliver, Newton, Daniels, Harris, Blackwell

NOES: None

ABSTAIN: None

ABSENT: Thompson

**WRITTEN FINDINGS – January 18, 2006**

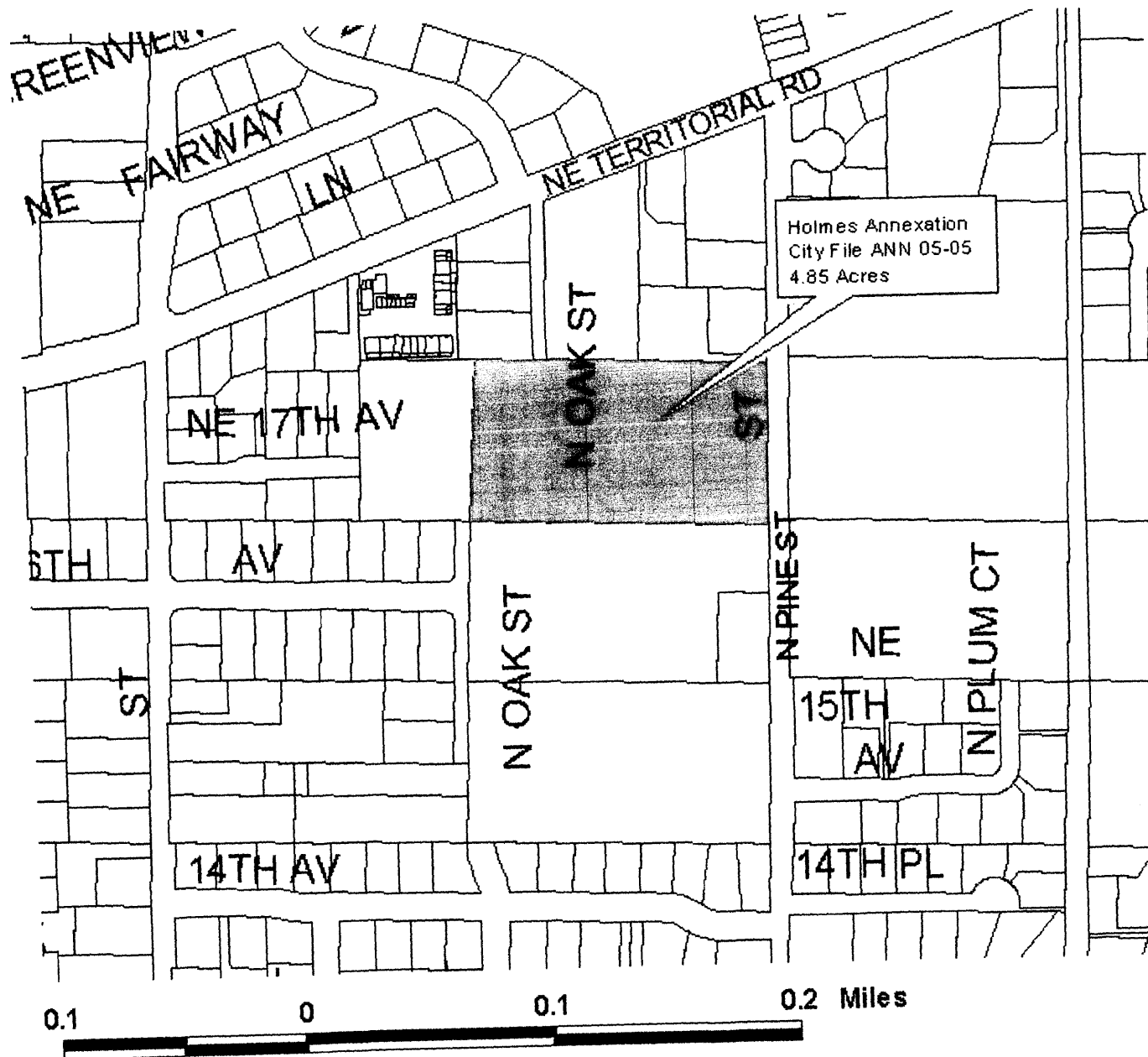
AYES: Carson, Oliver, Newton, Daniels, Harris, Blackwell

NOES: None

ABSTAIN: None

ABSENT: None

# Annexation Application #ANN 05-05



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